

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL ROGERS, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES, *et. al.*,

Defendants.

Case No. C21-5248-RAJ-MLP

~~PROPOSED~~ ORDER

Having reviewed the Report and Recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge, all objections or responses to that, and the remaining record, the Court finds and ORDERS:

- (1) The Report and Recommendation is approved and adopted.
- (2) Plaintiffs' Motion for Expedited Discovery (dkt. # 13) is DENIED.
- (3) Defendants' Motion to Dismiss (dkt. # 32) is GRANTED in part and DENIED in part. Specifically, the Court orders that: (1) DCYF is dismissed from this action; (2) Plaintiffs' state and federal law claims for damages, as raised against individually named Defendants in their official capacities, are dismissed; (3) Plaintiffs'

1 state law claims for injunctive relief are dismissed; (4) Plaintiffs' federal law claims for
2 injunctive relief, as raised against individually named Defendants in their official
3 capacities, are dismissed without prejudice; and (5) Defendants' Motion is denied in all
4 other respects.

5 (4) Plaintiffs are GRANTED leave to amend their federal law claims for
6 injunctive relief, as raised against individually named Defendants in their official
7 capacities. Plaintiffs have **thirty (30)** days from the date of this Order to amend their
8 complaint. If Plaintiffs fails to timely amend the complaint, their claims may be
9 dismissed.
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11 (5) The Clerk is directed to send copies of this Order to the parties.
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13 DATED this 2nd day of February, 2021.

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16 The Honorable Richard A. Jones
17 United States District Judge
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